

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Christyanna Karpenski,

Plaintiff,

vs.

American General Life Companies, LLC,  
d/b/a American General, d/b/a AG Benefit  
Solutions Connecticut Claim Center; The  
United States Life Insurance Company in the  
City of New York, d/b/a US Life; and  
Seabury & Smith, Inc. d/b/a Marsh U.S.  
Consumer, d/b/a Marsh Affinity Group  
Services,

Defendants.

Case No. C12-1569 RSM

QUALIFIED PROTECTIVE ORDER

Pursuant to the stipulation of the parties, the Court **HEREBY ORDERS** the entry of this Qualified Protective Order pursuant to the Privacy Rules implementing Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), including but not limited to 45 C.F.R. § 164.512(e), as outlined further herein:

QUALIFIED PROTECTIVE ORDER - 1

LAW OFFICES OF  
**COZEN O'CONNOR**  
A PROFESSIONAL CORPORATION  
SUITE 5200  
1201 THIRD AVENUE  
SEATTLE, WASHINGTON 98101-3071  
(206) 340-1000

1           1.       In the above-captioned action (the “Litigation”), the current parties and their  
 2       respective legal counsel, as well as any future parties and their respective legal counsel, are  
 3       hereby authorized to receive, subpoena, and transmit protected health information (“PHI”)  
 4       pertaining to the Plaintiff, **Christyanna Karpenski**, from any health care provider and/or  
 5       “covered entity,” as defined by 45 C.F.R. § 160.103, that rendered treatment to Plaintiff,  
 6       **Christyanna Karpenski**.

7           2.       All non-party health care providers, including “Covered Entities,” as defined by  
 8       45 C.F.R. § 160.103(3), but *not* including any “health plan” or “health care clearinghouse,” or  
 9       “health insurance company,” are hereby authorized to disclose PHI pertaining to **Christyanna**  
 10      **Karpenski** to all attorneys now of record in this matter or who may become of record in the  
 11      future of the Litigation, provided that any disclosure of PHI by anyone under this Order may  
 12      only occur following the presentation of a duly-authorized and HIPAA-compliant Medical and  
 13      Information Release.

14          3.       For the purposes of this Qualified Protective Order, “PHI” or “protected health  
 15      information” shall have the same scope and definition as set forth in 45 C.F.R. 160.103 and 45  
 16      C.F.R. 160.500. Without limiting the generality of the foregoing, “PHI” includes, but is not  
 17      limited to, health information, including demographic information relating to either (a) the  
 18      past, present, or future physical or mental condition of an individual, (b) the provision of care  
 19      to an individual, or (c) the payment for care provided to an individual which identifies the  
 20      individual or which reasonably could be expected to identify the individual.

21          4.       The parties and their attorneys shall be permitted to use the PHI of  
 22      **Christyanna Karpenski** in any manner that is reasonably connected with the Litigation. This  
 23      includes disclosure to the parties, their attorneys of record, the attorneys’ firm (i.e., attorneys,  
 24      support staff, agents, and consultants), experts, consultants, court personnel, court reporters,  
 25

1 copy services, trial consultants, jurors, venire members, and other entities involved in the  
2 process of the Litigation.

3 5. PHI produced in the Litigation shall be filed under seal. PHI produced in the  
4 Litigation shall not be publicly filed without either a Court Order or the written consent of  
5 Plaintiff.

6 6. At the conclusion of the Litigation as to any defendant, which shall be defined  
7 as the point at which final orders disposing of the Litigation as to any defendant have been  
8 entered, or the time at which all trial and appellate proceedings have been exhausted as to any  
9 defendant, that defendant and any person or entity in possession of PHI received by the  
10 defendant shall return to Plaintiff, or destroy, any and all copies of PHI pertaining to  
11 **Christyanna Karpenski**.

12 7. The entry of this Qualified Protective Order does not preclude the parties from  
13 filing objections to discovery requests and/or subpoenas in accordance with the applicable  
14 Federal Rules of Civil Procedure.

15 8. This Order shall control and limit the use of PHI pertaining to **Christyanna**  
16 **Karpenski** that comes into the possession of any party or any party's attorney from any  
17 source. This Order also applies to PHI produced by Plaintiff, or a "covered entity," as  
18 "covered entity" is defined in 45 C.F.R. 160.103, at any point during the course this litigation.

19 9. This Order is not intended to be a patient authorization for release of PHI or to  
20 allow the parties to obtain or access PHI except as otherwise provided under the relevant  
21 regulations implementing HIPAA.

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26 QUALIFIED PROTECTIVE ORDER - 3

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1 **SO ORDERED** this 14<sup>th</sup> day of December 2012.

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5 RICARDO S. MARTINEZ  
6 UNITED STATES DISTRICT JUDGE  
7

8  
9 **CONSENTED TO BY:**

10 /s/ Alycen A. Moss

11 Alycen A. Moss (Admitted *pro hac vice*)

12 *Attorney for Defendants*

13 *The United States Life Insurance Company in the City of New York, American General Life*  
14 *Companies, LLC and Seabury & Smith, Inc.*  
15

16  
17 /s/ Sean J. Gamble

18 Sean J. Gamble

19 *Attorney for Plaintiff, Christyanna Karpenski*  
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QUALIFIED PROTECTIVE ORDER - 4

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